Complete Area News

THE HERALD-PRESS

Weather: Cloudy - Mild

FINAL EDITION — 30 PAGES — 2 SECTIONS   ST. JOSEPH, MICH. FRIDAY, MAY 18, 1973   15c

CHESTER J. BYRNS
Presiding Circuit Judge

Blisters Taylor's Administration

Judge Byrns Raps Prosecutor

Chester J. Byrns, presiding judge of Berrien County Circuit Court, has told Berrien Prosecutor Ronald J. Taylor "your office needs major administrative reform."

In a blistering letter — unusual because the judge made it public — Byrns accuses Taylor of laggard operation that costs taxpayers money. And he charges Taylor with "past public excuses which seek to shift responsibility."

Judge Byrns writes that the alleged mal-administration of the prosecutor's office continues despite "letters these past five years from this court urging and begging that your office, with five full-time lawyers and some five part-time regular or special assistants, not lose any of the valuable time set aside by this court for criminal matters."

Taylor was not available today for comment on Judge Byrns' letter. His office said the prosecutor was out of town until Monday. It was not known whether he had seen the judge's letter at this point.

Triggering the judge's letter was an incident in circuit court this week.

Judge Byrns dismissed a relatively minor felony charge against a Bentontownship youth Tuesday when the prosecution said it did not have its witnesses present for start of the trial and could not proceed. The defendant was ready. Assistant Prosecutor Quentin Fulcher was to have handled the prosecution.

In response to questions from this newspaper, Prosecutor Taylor had explained that two higher priority cases were scheduled ahead of the case in question, but that the defendants in both cases failed to appear. Not anticipating that defendants in two consecutive cases would abscond, the prosecution did not have its witnesses on hand for the third case, Taylor stated. He added it was the first time in his memory that two defendants failed to appear.

The full text of Judge Byrns' letter to the prosecutor follows: Pros. Atty. R. J. Taylor
Courthouse
St. Joseph, Michigan
Dear Mr. Taylor:

Re: People vs. Ronald Dee Wycoff; X-6408(B)—

Your press statement seeking to shift the blame to the court for the procrastination of your office which resulted in the dismissal of the Wycoff case, as quoted in Tuesday's editions of the New-Palladium and Herald-Press, was, to say the least, unfair, incomplete and incorrect. It ignored the real reason for the dismissal.

Judging from some of your past public excuses which seek to shift responsibility, I really should not have been so surprised.

I must assume what you said in part came from your

(See page 25, column 1)

RONALD J. TAYLOR
Berrien Prosecutor

Gas Shortage Could Hinder Crop Planting

Michigan Farmers Facing 'Crisis Conditions'

LANSING, Mich. (AP) — B. Dale Ball, head of the Michigan Agriculture Department, warned Thursday there would be chaos unless action was taken immediately to provide farmers with enough fuel to use for their tractors and other machines in planting this year's crops.

"I feel in the next 30 days that if it quits raining, we will need 50 per cent more fuel than any 30-day period in Michigan's history," Ball said.

FUEL NEEDS CLOSELY WATCHED

Ball commented at the first meeting of the new Michigan Fuel Supply and Demand Coordinating Unit, which has been created by Gov. William Milliken to keep close watch on fuel needs.

Ball, a member of the unit, read a letter he received Thursday from Dorn Diehl, executive director of the Michigan State Agricultural Stabilization Conservation Service.

"There are 25,000 customers that can't get deliveries from regular sources, and alternate sources refuse to supply them," Diehl said of the plight of the farmer.

Michigan Commerce Department chief Richard Helmbrecht, head of the coordinating unit, however, appeared more optimistic, saying he didn't think there would be any widescale disaster in providing fuel for the farmers.

He said, however, that scattered shortages were expected.

Helmbrecht said he has been meeting with success in contacting major petroleum suppliers and asking them to get fuel available to such outlets as farm cooperatives.

He said federal guidelines, which are voluntary, call for providing fuel first to meet farm needs.

Diehl said in the letter to Ball that he had contacted nine outlets that supply petroleum to farmers Thursday and was told they had no fuel available for delivery.

"In addition, the Farm Bureau fuel supply in the field is down to less than a three-day supply," Diehl said. "May allocation is completely out."

Diehl noted that three good working days in the field in some areas "will present crisis conditions."

State agriculture officials say about 45 per cent of the acreage intended for spring crops has been plowed, compared with 56 per cent last year and 80 per cent in 1971. The problem has been attributed to rain and wet fields.

Ball said that he has never seen agriculture "more behind the eight ball."

DETROIT (AP) — Some independent gas stations in

(See back page, sec. 1, col. 1)

NEAR DISASTER: This plane came within 90 feet of ramming house of Charles Gerkey on county road 352, Decatur, in attempt to land on private landing strip near house. Mrs. Gerkey was watching from front window as plane came in, jumped road and headed toward house. It stopped after part of landing gear gave way. Van Buren sheriff's deputies, who were notified of accident yesterday, said near disaster occurred about 5 p.m. Tuesday. Plane was being removed yesterday. Pilot was identified as Oliver Fifer, Chicago. Deputies said pilot and passenger escaped injury. (Staff photo)

Damage Could Exceed 50%

Grape Crop Hard-Hit By Freezes

BY ALAN AREND
Staff Writer

It now appears that two morning freezes this week have wiped out at least 50 percent of the southwestern Michigan grape crop.

Monday morning's freeze severely hurt the grape crop in eastern Van Buren county and Thursday morning's freeze compounded injury in that area along with severely hurting the grape crop in Berrien county and western Van Buren. The two counties produce most of the grapes in Michigan.

William Grevelding of National Grape Cooperative, Lawton, said: "Our crop here will now depend on the development of secondary buds. Off-hand we feel about 50 percent of the crop has been lost in southwestern Michigan."

Angelo Spinazze of Bronte Champagne and Wine, Co., Hartford, said: "I think we lost all of our first buds. They are completely gone and past experience indicates we can expect from 30 to 35 per cent of a crop from secondary buds on Concords and Niagaras."

Clare Musgrove, Berrien extension director, in talking with Berrien grape growers said many felt heating devices didn't accomplish much, since there is little foliage on the vines at this time of year and the heat generated went straight up in the air.

He said damage to vineyards in low-lying areas was very severe, 90 percent or more, but some growers with vineyards on high spots, said damage was minimal.

Temperatures again early this morning ranged from the high 20's to low 30's and growers once again had to use various forms of frost protection.

Myron Hansel, public relations director of the Michigan Blueberry Growers association, said freeze damage occurred to blueberries in the Grand Junction and Holland areas. "Although it's hard to put a finger on it yet, we figure approximately 20 to 50 percent damage in low-lying areas and 10 percent or less on good sites."

Tomato plants and strawberry fruiting buds also were clobbered if not protected.

It is also felt that some damage occured to tart cherries and apples, on lower branches of the trees. Frank Owen, general manager of the Cherry Administrative Board, said he conservatively estimates that 20 percent of the area's red tart cherry crop was hurt this week. Earlier freezes had killed some tart cherry buds, but extremely heavy budding on the trees had softened the effect of the earlier damage.

ELECTRIC POWER: Arthur Farrall, 74, an East Lansing inventor, checks some gear in his electricity-powered "Green Hornet," a Volkswagen customized to fight pollution and eliminate expensive gasoline station stops. Farrall says he cruises at about 35 miles per hour and pays only the price of plugging the car into a socket in the garage. (AP Wirephoto)

State Lottery Ticket Sales Set New High

LANSING, Mich. (AP) — A total of 6.9 million lottery tickets were purchased for the May 17 drawing, the highest weekly sales yet, says Lottery Commissioner Gus Harrison.

The previous high mark of 5.9 million was for the first drawing last Nov. 24.

Community Colleges Get Funds For Student Influx

LANSING, Mich. (AP) — Predicting general enrollment jumps, the Senate has acted to give Michigan's 29 community colleges an overall 14.6 per cent boost in appropriations.

(Berrien county's Lake Michigan college will receive $140,000 more in state funds, raising its appropriation from $1.14 million to $1.28 million. Cass county's Southwestern Michigan college will get $110,000 more, raising its funds from $824,000 to $934,600.)

The Senate voted 32-0 Thursday to grant the community colleges $65.7 million in fiscal 1973-74 compared to the current $57.3 million. All community colleges would get increases.

The proposal, which went to the House, was $2.6 million more than Gov. William Milliken recommended.

"Community colleges either will record increased enrollments or will have stable enrollments. None is expected to drop," said a Senate fiscal agency official.

Sen. Carl Pursell, R-Plymouth, chairman of the Senate Appropriations Subcommittee which drew up the budget, said increased university tuitions and more parttime students are causing hiked community college enrollments.

Enrollments are based on a formula and do not necessarily reflect the exact number of fulltime students in the schools.

Total estimated enrollment is expected to jump 1,462 from 80,158 to about 81,620, said budget experts.

Wayne Community College enrollment is expected to record the biggest increase, 18.5 per cent, from 7,000 to roughly 9,300 students, the fiscal agency said.

Grand Rapids Community College enrollment will jump five per cent to about 4,200 students and Lansing Community College enrollment is expected to jump about 6.4 per cent from 4,700 to 5,000.

Macomb Community College enrollment is expected to increase 5.2 per cent from 9,500 to 10,000 students, Oakland Community College should increase 3.3 per cent from 9,000 to 9,300 and Schoolcraft Community College is expected to climb four per cent from 3,740 to 3,890 students, state officials said.

Wayne County Community College would receive the biggest appropriations jump—up about 25 per cent from the current $4.1 million to $5.1 million.

Macomb Community College would jump almost $1 million from $6.87 million to $7.86 million, and Grand Rapids Community College would jump $376,000 from $2.7 million to $3.1 million.

Oakland Community College would increase $658,000 from $5.8 million to $6.4 million.

Senate-proposed increases for

(See back page, sec. 1, col. 1)

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THE HERALD-PRESS
Editorial Page
W. J. Banyon, Editor and Publisher
Bert Lindenfeld, Managing Editor

Watergate Could Produce A Dividend

At this early stage in the Watergate hearings it would be rash to predict which turn the Senate probe will take — a cooperatively produced disclosure on how best to mend the affairs of state, or just another TV debate in the vein of the good guys on one side of the microphone and the bad guys on the other.

Last week Robert J. McCloskey gave a talk to the National Press Club in Washington on the eve of his departure as press spokesman for the State Department to serve as our ambassador to Cyprus.

It made no headlines and only a few of the metropolitan papers gave it inside space.

It was an unfortunate lapse because this long time member of the Washington establishment went to the heart of what promotes less sensational Watergates round the clock and all through the entire governmental system from Washington on down to the town hall and local school board.

Long before George Washington took the oath of office as the first President, government and the news media had become fixed in an adversary position.

This antagonism has varied in degree through the ensuing decades. Unless Senator Ervin, the master of ceremonies for the hearing opening yesterday, comes through with his prediction of revelations equal to those forcast in the last book of the New Testament, Watergate represents an example of extremely inept conduct blown out of its true proportion by this feud at a white heat level.

The function of government and the news media should be to serve the public.

The government's share of that burden is to act as sensibly as human logic permits and except in genuinely sensitive areas such as conducting a military campaign or exploring new paths in foreign affairs to keep the public informed of what is going on in a current manner.

The news media's role is to monitor that performance as best it can and to reveal it in a dispassionate, intelligible manner to the public.

This may be saying a mouthful for ordinary mortals to accomplish and since Jesus Christ was the last personage on earth to deliver at a 100 per cent rate, the most that can be reasonably expected is constant striving to nudge up to that goal as closely as possible.

The leaven in baking that loaf of bread should be the realization that no one is free from making a mistake and to be forthright in acknowledging this fact.

All too frequently, in truth, repetitiously, government takes the position that it is the guardian for the public, not its servant. Operating from that parent-child premise, it becomes second nature to be secretive in all things, trivial or consequential. Father knows best is standard operating procedure.

The news media also assumes a guardian's stance. It is better equipped to ferret out error and chicanery than is the average citizen. It is the best system yet devised to keep government on its toes.

Just as our lawn mower is not exactly free from breaking down, the media from time to time develops a hyper thyroid. There is a tendency to pounce upon an inconsequential lapse, particularly when it has been unnecessarily covered by a smoke screen, and to expand it into a calamity.

It is at this point where the adversary position fails of its purpose.

Government and the news media are more interested in discrediting one another and forget their obligation to the public.

Little wonder the phrase, credibility gap, has come into such common usage.

McCloskey in calling for a saner approach from both sides of the room put it this way:

"The point I make is that neither side has a corner on the market of infallibility or being more sinned against than sinning, and where differences arise, what is required is less religion and more Christianity toward one another."

We have never watched a game where a cross eyed pitcher held the mound and a cross eyed empire watched the plate; and for the sake of the game, hope this is merely a hypothetical conjuring.

The fans might pay once to view such an experiment and then demand a return to normalcy.

Yet the public is getting more of that type of treatment than is good for everyone concerned.

Less name calling and a more adult attitude is one lesson that can be taken from Watergate.

Business Remains Education's 'Angel'

Fund-raising for institutions of higher education is big business growing even larger. It has to be to support the education industry, which employs more persons and sells its wares to more than any other industry in the United States.

Higher education is more than a commercial enterprise, but that is part of the trouble. It takes many billions of dollars annually to run the nation's colleges and universities, but the income comes from widely diversified and sometimes sporadic sources.

Financial crises are commonplace on many campuses as a result of the uncertainties of income and constantly growing demands for additional facilities. Prosperous years resulting from particularly heavy grants by foundations or individuals can turn into lean budgets overnight.

With this in mind, various college fund raising groups are emphasizing the role private industry now plays in the support of higher education, in the hope this role will continue to expand.

In addition to tuition charges and other fees for services rendered, corporate gifts and state and federal governments grants are the main sources of income for colleges and universities. Government support, particularly at the federal level, is causing concern over the future independence of these institutions.

This is one reason why corporate givers are being asked to improve their generous record. Private donors are not nearly as restrictive about their gifts, and such restrictions as are specified are not as all inclusive as those applied by the government when it doles out tax dollars.

For both the institution and the student who after all is the net product of the system keeping the preponderance of financial control in the hands of those responsible for the administration of the institutions is the best guarantee of future improvements in the quality of education.

Before the invention of the electric needle, tattooing was done with pointed sticks and wooden mallets, much as sculptors work with hammer and chisel. The process could take days.

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A Tough Nut To Crack!

GLANCING BACKWARDS

FREDERICK S. UPTON TO BE HONORED
— 1 Year Ago —

Frederick S. Upton, president of the Whirlpool Foundation and retired senior vice president of Whirlpool Corporation, will receive an honorary Doctor of Humane Letters degree at Olivet college Sunday.

Upton will be cited at commencement ceremonies for outstanding service to his community in civic, educational, business, philanthropic and religious efforts.

INTER-CITY BAN SET OPEN HOUSE
— 10 Years Ago —

Open house will be held this week at the new $100,000 structure housing the Buchanan branch of Inter-City Bank.

Construction of the ultra-modern facility began last summer and was completed in time for an April 22 moving date. The new building has been in use since that time. The new branch office measures 60 by 90 feet, with spac for seven commercial tellers, two drive-up windows, office and conference room.

FALL OF CASSINO AND FORMIA
— 29 Years Ago —

Cassino and Formia, two German strongpoints in central Italy, were captured today by allied troops who were storming steadily ahead toward Rome on a violently erupting 25-mile front.

British troops captured Cassino, where the Nazis had repulsed allied attacks for five bloody months. They had virtually encircled the city in conjunction with a Polish corps which stormed Hill 593, northern anchor of the Adolf Hitler and the Gustav lines. The British had cut the Via Casilina two miles beyond the city on the way to Rome.

ELECT OFFICERS
— 39 Years Ago —

Officers elected by the Berrien County Royal Neighbor association at the annual convention in Eau Claire were: President, Mrs. Leona Roger of Watervliet; vice president, Mrs. Myrtle Smith of Coloma; secretary-treasurer, Mrs. Nellie Reid, Watervliet.

TO VISIT RELATIVES
— 49 Years Ago —

Miss Meta Nuechterlein is to visit relatives in Frankenmuth during a vacation from the Rimes & Hildebrand store.

LAKE OUTING
— 59 Years Ago —

All retail and professional business in the twin cities will talk on the afternoon of June 10 when employers and their employes hold an outing at Paw Paw lake.

TO MOVE BUSINESS
— 83 Years Ago —

A firm now in business near the north end of State street will soon occupy the Ed F. Platt building next to the Thomas shoe store.

EDITOR'S MAILBAG

'RENEW OUR FAITH IN OUR INDEPENDENCE'

Editor,

Soon we'll celebrate the 197th anniversary of the Declaration of Independence. Nearly two centuries ago our forefathers felt strongly burdened. Their ruler who had never been there and "didn't know the territory," insisted on telling them what to do and how to do it. Therefore, the inhabitants of the young colonies rebelled.

Like today's youngsters they wanted to "go it alone," make their own decisions, risk their own hides. So they framed their own Constitution to govern themselves, with due regard for the basic freedoms and inalienable rights of each individual. And today we still pay respect to that Constitution . . . or do we? Will we again affirm our support of the rightness of that Declaration, as so many generations have done each year? Will it be more than lip-service?

Just how independent are we today? The Constitution provided on the federal level for a few functions of national importance, such as common defense. Aside from the few specifically mentioned, all controls were left to the states and the individual citizens.

Now that's Independence!

Only when joint enterprises were deemed adventageous by the citizens were they established. It took great courage to go-it-alone then, face the wilderness, fight the Indians, build a nation!

Do we have the courage, the endurance to be independent today? Let's see: How many times in the past year have you reacted to something you didn't like by saying: "There ought to be a law. . . ." when you could have preserved our freedom by setting a responsible example.

How often have you favored letting the community, the state or the federal government do something about a local problem? Education, unemployment, local highways and bridges, housing, wages and prices . . . . Does that reflect your Spirit of Independence? Or does that reflect an attitude of: "Let George do it," or laziness, or of unconcern?

This year let us again resolve to shoulder our own responsibilities as much as we can and renew our faith in our Independence!

Bjorn Heyning
3624 Lake Shore Drive
St. Joseph

Navy Detours Carrier For Nixon Talk

NORFOLK, Va. (AP) — "Why not? He's the President," was how a Navy official explained why the aircraft carrier Independence was ordered to make a 1,000-mile detour to be here when President Nixon arrives Saturday.

The Independence left here a few days ago to participate in Armed Forces Day observances at Mayport, Fla., Saturday. But when the White House announced Wednesday that President Nixon would make an Armed Forces Day speech here Saturday, the Navy ordered the carrier's return to serve as a backdrop for Nixon's appearance.

The ship dropped anchor here Thursday after steaming full power on the return trip.

Norfolk's Navy population, which includes the Atlantic Fleet Headquarters, also is being encouraged to fill out the audience for Nixon.

The Navy took quick action and got 5,000 posters, each with a 5-by 7-inch portrait of the President, printed and distributed throughout the several bases in this tidewater military complex.

The posters describe Nixon's visit and the attendant ceremonies as a "Gala Armed Forces Day Celebration." The posters urge sailors to "Come and Greet President Nixon, Your Commander-in-Chief."

Drug Raiders Arrest 18

CADILLAC, Mich. (AP) — Eighteen persons were arrested here today in a series of drug raids.

The Wexford County Sheriff's Department was joined by state and local police in the raid. Those arrested ranged in age from 18 to 23, and all were charged with delivery of narcotics.

Bruce Biossat

Old JFK Case Reports In Error

WASHINGTON (NEA) — The two most pretigious newspapers delving into the Watergate scandal committed gross error recently in a strained, amateurish attempt to tie in a 1960 break-in at the New York office of a doctor who had treated the late John F. Kennedy, presidential winner over Richard Nixon that year.

At least one other newspaper got into the act, and before the day was out at least two networks and one wire service had spread the erroneous account far and wide.

Stories as big as Watergate of course develop enormous momentum. As Watergate has snowballed, more and more newsmen have been drawn in. The appetite for information is immense. Vigilence is difficult to maintain.

It failed altogether in the Kennedy break-in story. Cued somehow, reporters telephoned Dr. Eugene J. Cohen of New York, an endrocinologist, who seems impressionable and clearly has a faulty memory.

Against the backdrop of strong reports of the burglary by Nixon agents of the offices of a psychiatrist who had served Daniel Ellsberg, Pentagon papers defendant, the tie-in prospect is obvious. Reporters thought they might find that people working for Mr. Nixon were up to the same tricks 13 years ago.

Cohen confirmed that early in July, 1960, his Manhattan office was broken into and his "K" file scattered, almost certainly in a search for Kennedy's records. Since he had filed them under a false name, they were not found.

Dr. Cohen himself noted the similarity to the Ellsberg break-in at the New York office of another Kennedy doctor, Dr. Janet Travell, later Kennedy's White House physician.

At this point, the inquiry by reporters representing the two prestigious papers fell to the level of schoolboy amateurism. They got nearly everything wrong.

In the worst of the two accounts, the reporter missed Dr. Travell's New York office address by two blocks, erroneously reported she called the police (she did not), wrongly said her outer door was broken through (it was not, but only showed signs of unsuccessful jimmying), incorrectly said the near "break-in" at her place came "several days later" than the successful entry at Dr. Cohen's.

Neither she nor any other authorized entrant has the faintest idea when the burglars tried her office, since she was away for several days.

Now, this story is already forgotten in the big Watergate shuffle, and the juvenile reporting involved could be dismissed as one of those foolish misfires — but for one thing.

Both doctors' memories put the 1960 burglary efforts in close time link with a huge fuss stirred July 4 in Los Angeles, when managers for Lyndon Johnson, Kennedy's chief party presidential rival, said Kennedy had Addison's disease (a glandular ailment) and "wouldn't be alive" without cortisone. Just hours later, Kennedy released a full, favorable health report signed by Drs. Travell and Cohen. They were headlines.

One offending paper mentioned the health issue but not the great July furore. The other ignored it, leaving its flawed "break-in" tale falsely in the sole context of Watergate. Aware now of its error, it has kept gracelessly silent.

Marianne Means

GOP Governors 'Believe' Nixon

NEW YORK — The Republican governors who gathered here last week revealed more than they intended about the seriousness of President Richard Nixon's leadership problem these days.

Technically, the governors rallied around the partisan flag and issued a formal statement in which they deplored the Watergate and supported the President.

But it was a terse and heavily edited one-paragraph reaffirmation of pure faith, and it was agreed upon only after two days of much arguing and sanitizing.

The key line was "we believe the President." Stripped of any adjectives or specifics, it stuck out like a sore thumb. The governors of the President's own party, in other words, felt compelled — out of loyalty or self-survival or political pressure — to state publicly what should be obvious under normal circumstances.

It represented the first national Republican political recognition yet that the President's believability is under question.

Party officials, speaking individually, have expressed concern about the President's possible knowledge or involvement in the 1972 campaign espionage and subsequent cover-up. All want desperately to believe in his innocence, for their own political futures if nothing else.

But until now, no high-ranking group such as the governors' convention has acknowledged that the suspicions about the President — as opposed merely to those hacks close to him — are so serious as to require public comment.

But the lack of enthusiasm with which it was delivered speaks for itself. It was railroaded through the group by New York Gov. Nelson Rockefeller, who would like Nixon's support or at least neutrality for the 1976 Presidential nomination.

The country's governors — Democrats as well as Republicans — are notoriously naive, on the whole, about politics of a national or international scope. Their group endorsement is worth about as much as the backing of the Oshkosh Little League. And there is no reason to believe that any one of them has any personal knowledge as to whether the President has been telling the truth or not.

BERRY'S WORLD

"At these prices, I want to savor even the fumes!"

Florida Censures Lt. Governor

TALLAHASSEE, Fla. (AP) — Florida's lieutenant governor has been censured by the House of Representatives for allegedly sending state employes on personal errands.

The House voted 88 to 26 on Thursday to censure Lt. Gov. Tom Adams.

THE HERALD-PRESS

Twin City Highlights

ST. JOSEPH, MICH. FRIDAY, MAY 18, 1973

Five Still In Running For BH Police Chief

A new chief of police for Benton Harbor will probably be named late this month or early in June, City Manager Charles Morrison disclosed yesterday, adding the number of candidates has been narrowed to five.

Morrison declined to further elaborate on the statement, but he did say that the candidates are both from in and outside of Michigan.

Morrison made the disclosure at a workshop for city commissioners when a point on recruiting a police chief was brought up.

He said he will be interviewing one candidate today, and will interview two more in the next 10 days.

"Things are moving along, I look for an appointment at the end of May or around the first of June," he said.

He said he has received about 85 applications for the position, which has been vacant since last July when Chief William McClaran accepted a position in Portland, Maine.

Commissioners met to discuss matters that will come before the formal commission meeting next Monday, and one of these was the sale of some seven acres of land at the corner of Empire avenue and Riverview drive to All-Phase Construction Co.

The city entered into agreement with the firm to sell the land, but it was later discovered that a power cable was buried in the property, Morrison said.

The company agreed to purchase "clear" land, Morrison stated, and it is the city's burden to fulfill its part of the contract, which might cost up to $8,000 to remove the cable.

He said the cable will not interfere with All-Phase's plan for immediate construction, but may affect expansion. If the cable is not moved by next May, the city will pay the expense to have it moved, the city manager said.

But Morrison indicated that I & M Electric Co., which owns the wire that serves all of Fairplain, may move cable within the year, thus saving the city the expense.

A slightly revised contract will be presented to commissioners Monday for their approval.

Yerington Wins Cleveland Avenue Contract

The Berrien county road commission Thursday awarded a contract for construction work on Cleveland avenue in St. Joseph township to John G. Yerington Co. of Benton Harbor at the low bid of $222,392.35.

Heath Calvin, consulting engineer-manager for the road commission, said construction should begin in about two weeks. Cleveland avenue in the construction area will be closed except for local traffic until about Oct. 1, the scheduled completion date.

Construction work includes grading, graveling and storm drainage on Cleveland from Hilltop road to Maiden Lane. The road commission will seal coat Cleveland as soon as Yerington completes the surfacing work with paving scheduled for next year.

The contract was awarded after the road commission determined that sewer work along Cleveland is far enough along to allow road construction.

Bids ranged to a high of $351,712.80. Other companies bidding were J.V. Burkett, George Miller & Sons, and Multi-Phase Construction Co., all from St. Joseph.

Construction work will be funded by the county road commission, Calvin said.

The road commission also recommended that the county drain board accept the low bid from Multi-Phase of $99,666 to construct the Abraham Drain on Cleveland avenue. The same four companies were bidders on the drain project ranging upward to $203,640.

The drain funds are from St. Joseph, St. Joseph township and the road commission. The drain will run along Cleveland avenue to Hickory Creek and west for a short distance on Hawthorne avenue.

MRS. VERNON STOWE
Teacher retiring

To Honor Teacher

Retiring teacher Mrs. Vernon (Velma) Stowe will be honored at an open house at Sorter school, Benton Harbor, Sunday, May 20, from 2 to 4 p.m.

Mrs. Stowe, of 141 Hastings, Benton Harbor, has taught school for 25 years, the last 13 at Sorter. She previously taught at one other Berrien county school and three Cass county schools.

The open house is being sponsored by the Sorter PTA.

Candidates Certified

Nine persons have been certified as candidates for two seats on the Benton Harbor board of education in the June 11 election.

Robert R. Smith, school district business manager, reported a check showed all petitions valid and no candidate withdrew by the 4 p.m. deadline Thursday.

Special Olympics For 206 Youths In SJ Saturday

Special education students from Berrien, Cass and Van Buren counties will be competing in a full slate of activities at the Regional Special Olympics in St. Joseph Saturday.

A total of 206 students will take part in the games, with winners advancing to the state meet June 1-3 at Central Michigan University in Mt. Pleasant.

Saturday's events will include, swimming, track and field, gymnastics and bowling. All competitors qualified for the regional through local olympics in their school systems.

Swimming events will begin at 9 a.m. at the St. Joseph high school pool and will be followed by the official opening ceremonies in Dickinson Stadium at 10 a.m.

Track and field competition will be held in the stadium starting at 10:30. Gymnastics will be held at the school and bowling at Gersonde Bros. Lanes, both starting at 1 p.m.

Sue Van Der Klooster of St. Joseph is the regional olympics director.

Saturday

Police Ball To Aid Youths

Proceeds from the annual Policemen's Ball sponsored by Lodge No. 96, Fraternal Order of Police, St. Joseph, will go toward new projects this year.

The FOP lodge is supporting three baseball leagues and is backing organization of Explorer posts in South Haven, the Twin Cities and the Bridgman-New Buffalo area.

The dance will be 9 p. m. to 1 a. m. Saturday in Shadowland ballroom, St. Joseph. Music will be by Ray Gill and his orchestra from Grand Rapids and the Jolly Hoppers from the Twin Cities.

The FOP associates, a civilian group backing law enforcement agencies, will serve pizza and sandwiches.

DR. HARZEL TAYLOR
New President

INSTALLED: Matt Cutter, customer relations manager for Heath Co., St. Joseph, is new president of Michiana chapter of the Administrative Management society. He succeeds Lydia Demski, head of Scope Employment service of St. Joseph. Other Twin Cities area people installed in other offices are Marie Mickel of Twin Cities Chamber of Commerce, director for programs and publicity, and Marion Morrissett, Whirlpool Corp., secretary. A picture of Morrissett was inadvertently identified as Cutter on page 31 in this newspaper yesterday.

Maryland Man Selected For YMCA Post Here

The appointment of David H. Bergman of Hagerstown, Md. as the new executive director of the Twin Cities YMCA was announced last night at the Y's annual meeting.

Bergman, 39, and a native of Ensley Center, Mich., will succeed Lloyd F. Sanborn, who left the position here in March for a new job in Texas. Bergman, now executive director of the YMCA in Hagerstown, is to assume his duties here July 15.

Dr. Harzel Taylor was elected president of the association, succeeding Jake Paschall.

Other new officers elected were: Jerry Orlaske, vice president; Jim Tiscornia, vice president; Robert Humberg, treasurer; Don Herrit, recording secretary.

Seven new members and one current director were elected to terms on the board of directors.

Chosen to three-year terms on the board were: Andrew Takacs, James Murphy, Forrest Pearson and Roland Beckmann.

Named to one-year terms were: Tom Butler, Bill Bartz and Robert Primley, new members, and Stephen Upton, reelected.

was presented to George Myers as the outstanding layman of the year. The presentation was made by Jerry Orlaske, vice president.

Myers was cited for service as chairman of the health club, head of the handball committee, division leader in the membership drive, and a member of the board of directors.

Speaker at the annual session last night at the YMCA was Herbert E. Evans of Columbus, Ohio., a past president of the National Council of YMCAs.

OUTSTANDING Y WORKER: George Myers (right) accepts Award of Honor plaque from YMCA Vice President Jerry Orlaske. Myers was recognized as outstanding layman of year for his work on behalf of Y programs during past year. (Staff photo).

Crash Kills Clio Man, 45

By ASSOCIATED PRESS

Michigan State Police report one traffic fatality occurred on the state's highways in the 24-hour period ending at 7 a.m. today.

Victor Keen, 45, of Clio, was killed in a two-car collision at in rural Genesee County.

Stevensville Will Remove U-Turn Signs At Kimmel

Removal of "no U-turn" signs from St. Joseph avenue at Kimmel street in Stevensville was approved by the Stevensville village council last night on a split voice vote.

Supporters of the measure argued that the signs are a nuisance and that there is no other place in the vicinity to conveniently turn around. The motion for removal was made by Trustee Charles "Bud" Kerlikowske.

Village President Arthur Kasewurm supported keeping the signs, stating that drivers can turn around by turning onto Kimmel and going around a block.

William Heyn Jr. was the sole trustee to vote against removal.

In other action, the council agreed to widen and round out the southwest corner of the intersection of Red Arrow highway and John Beers road.

The present shoulder at the corner is badly worn down, Gary White, street department employe, reported. The corner is heavily traveled by traffic coming off I-94 at Stevensville.

The council informed David Walker of 2905 West John Beers road that if he petitioned to have his lot rezoned commercial, the request would probably be denied because neighboring lots are zoned residential.

Walker had asked the council what steps he should take to rezone his lot, located at the corner of Ridge road, so that he could build a barber shop.

The council agreed to contact a representative of the Chesapeake and Ohio railroad regarding a complaint from Mrs. Ruby Osborne of 5284 St. Joseph avenue about freight train cars being parked on a siding near where it crosses her driveway.

She said the cars block her vision of the main track creating a safety hazard, and that debris from materials unloaded from the cars for a neighboring business, Lakeshore Brick and Stone, litters her property.

The trash hauling rate for village businesses served by the village's new garbage collection service was set at $8 a month for each large trash bin used by the businesses.

A contract for $3,456 was awarded to Yerington and Harris Construction company of Benton Harbor for installation of a 24 inch storm drain along Berrien street from Kimmel to Lawrence street. Yerington and Harris was lower of two bidders.

The council agreed to meet informally Tuesday, May 22, to work on a 1973-74 village budget.

Use of federal revenue sharing funds for purchase of a new village tractor and a new pickup truck was approved. The purchases were approved earlier this year. Cost of the tractor was reported at $6,000. The truck cost $2,167.

CHINESE ARRIVE

NEW YORK (AP) — A press delegation from Communist China, on the first leg of a three-week tour of the United States, has conveyed its "best wishes to the American people."

Public Invited To Weekend Event

Catholic School Plans Festival

Lake Michigan Catholic seventh and eighth-graders will hold a fine arts festival free to the public Saturday and Sunday in the Lake Michigan Catholic middle school (St. John's) cafeteria, 589 Pearl street, Benton Harbor.

The festival is 6 p.m. to 9 p.m. Saturday, and noon to 4 p.m. Sunday, and is free to the public. It includes a student play and novel "Light Show."

Students will show off art class projects ranging from watercolor paintings, toothpick sculpture and "pop art" household items to macrame clothing accessories and tie-dyed shirts and wall-hangings, according to Mrs. Linda Weston, middle school art teacher.

Some items will be for sale, including copies of a fine arts book—poetry, short stories, black-white drawings — designed and written by Norman Weston's sixth graders.

In addition, sixth-graders are producing a play, "The Wizard of Oz," in the gymnasium at 8 p.m. Saturday and 1 p.m. Sunday. It's a costume-style play with student-built props, Mrs. Weston said.

Besides the play and art display, student science projects will be shown in hallways and seventh and eighth-graders will project a "light show" in the cafeteria both days. It's a kaleidoscope of colored lights dancing on the wall to musical accompaniment.

ROBERT STRUMPFER
Council spokesman

Strumpfer Says Safety Council Against Merger With Chamber

A talked-about merger of the Twin Cities Area Safety Council and Twin Cities Area Chamber of Commerce is not imminent.

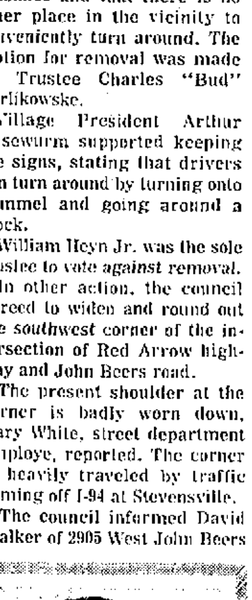
Robert Strumpfer, executive director of the safety council said his organization has mailed letters to some 160 area political, industrial and other leaders saying the safety board has taken the position it will oppose merger attempts.

Strumpfer said community safety needs can best be met if the safety council stays independent. It has established rapport with the community, knows community safety problems and has earned community interest over the past 25 years, he said.

Roger Curry, Chamber executive vice president, said the Chamber did discuss merger at safety council request about 2½ or 3 months ago. Both sides had representatives on a committee that felt merger possibilities should be explored, he said. Then the safety council board said no.

'As far as we're concerned, it is—I guess—a dead issue," Curry said.

Meanwhile, he said, the Chamber has taken no formal stand on merger.



ROGER CURRY
Chamber spokesman

Flood Insurance Meet Thursday At Courthouse

Officials of the federal flood insurance office will hold a public meeting next Thursday at 1:30 p.m. in the board of commissioners' room of the courthouse, St. Joseph.

William Gebhard, a member of the county planning staff, said Vincent Brown and Victor Warren from the federal flood insurance office will be present. Also expected to attend will be a state coordinator for the insurance and a representative of Insurance Co. of North America, the licensed national flood insurer for Michigan.

"They're down here trying to get more communities to apply for eligibility under the (flood) program, ...especially some of the river communities," Gebhard said.

The meeting is open and the public is welcome.

THE HERALD-PRESS

Area Highlights

ST. JOSEPH, MICH. FRIDAY, MAY 18, 1973

79 Students Are Honored At Lakeshore

Scholarships Worth Over $25,000 Presented

Scholarships totaling over $25,000 were among 24 awards presented 79 students of Lakeshore high school Thursday night.

The parade of honors on the new auditorium stage before an audience of several hundred covered all segments of the Lakeshore curriculum.

Principal Jon N. Schuster, who ends his two-year principalship, was presented with a surprise gift, a plaque citing him as an "administrator, a leader and a friend." Schuster praised highly the scholarship and citizenship of the graduating seniors and scholarship winners. Schuster will go to Berrien Springs as assistant superintendent.

Among those cited were the honor graduates: Barbara Bell, Bonnie Benson, Vicki Born, Connie Both, Robert Eversole, Wayne Hadady, Debbie Hanshaw, John Haynes, Sharon Hoge, Kathi Krohn, Diane Lockwitz, Keith March, Nancy Miller, Cindy Neuman, Sandy Nitz, Lorna Pucci, Jeff Robbins, Mary Soper, Terry Sprague, Leslie Statz, Ellen Steinke, Nancy Strong.

Valedictorian announced earlier is Bonnie Benson and Salutatorian is Robert Eversole.

The Athletic award went to Rick Farrow.

National merit finalists are Barbara Bell and Thomas Goodgame and letters of commendation went to Kathi Krohn and William Camper who also received the Bosch & Lomb science award.

Scholarship awards went to the following:

Lions Club scholarship, $500, Sharon Hoge; Baroda Civic Women's League scholarship, $200 each, Sandy Nitz and Jeff Gaul; PTA Scholarship, $150, Valyn Root; Twin Cities Business and Professional Women's Club Scholarship, $500 a year for four years, Vicki Born; Plumbers & Pipefitters Local 313 scholarship, $300, Matt Cummings; Southwestern Michigan College Dean's award, $200, Jeff Gaul; Carl C. Conway scholarship, $500 for four years, Katherine Krohn and Sandy Nitz; University of Michigan Regents Alumni scholarships, Sharon Hoge, Katherine Krohn, Mary Soper; Anglo Fabrics scholarship, $150, Katherine Krohn; Lake Michigan college scholarship, Vicki Born.

Western Michigan University scholarship, $150, Sandy Nitz; Creative Arts scholarship to Michigan State, $150 a year, Sarah Shapleigh; Southwestern Michigan college dean's scholarship, $200, Lee Stachurski; Grand Valley State college scholarship, $625 to Marice Stampohar and $100 to Nancy Strong.

Michigan competitive scholarships both honorary and with stipends: Charlotte Adams, Andrea Barowicz, Barbara Bell, Bonnie Benson, Vicki Born, Connie Both, William Camper, David Carberry, Reinhard Friske, Robin Gench, Jim Gerber, Mike Gilbert, Thomas Goodgame, Wayne Hadady, William Hammond, Debbie Henshaw, Ernie Hicks, Sharon Hoge, Robert Hunter, Sharon Jordan, Debbie Krieger, Katherine Krohn, Jerry Kuhn, Cindy Lachman, Diane Lockwitz, Keith March, Chip Mattox, Nancy Miller, Cindy Neuman, Sandy Nitz, John Novotny, Peter Nykamp, Roger Pepperl, Dale Post, Lorna Pucci, Larry Robertson, Dave Seageren, Mary Soper, Terry Sprague, Leslie Statz, Ellen Steinke, Nancy Strong.

Other awards were: American Legion speech award, Gloria Spears; DAR History award, Wendy Cowan; English award, Bonnie Benson; American Legion Citizenship awards, Sharon Hoge and Keith March; Mathematics award, Barbara Bell; office education awards, Debbie Henshaw and Nancy trong; Home economics award, Kathi Krohn; newspaper award, Shelley Kinder; Yearbook award, Connie Both, Cindy Neuman and Leslie Statz; Spanish awards, Nancy Miller, Jill Davis, Kim Krohn, Patricia McTague, Scott Patzer, Lorelei Watkin, Lisa Arbour and Carol Stream.

Art award, Sarah Shapleigh, Key club award, Keith March; Choral award, Jean Sacha; Agricultural award, Ed Kretchman; Thespian award, Karen Dunham; Industrial Arts award, Craig Nitz, Steve and Glen Greifendorf; future secretaries scholarship, Debbie Henshaw.

LAKESHORE SCHOLARS: Honor graduates of Lakeshore high school who were awarded gold cords to wear at graduation exercises were announced Thursday night at annual honors night. Twenty-two scholars are, first row, from left: Kathy Krohn, Ellen Steinke, Nancy Strong, Leslie Statz, Nancy Miller, Sandy Nitz, Vicki Born, Terry Sprague; second row: Sharon Hoge, Barbara Bell, Diane Lockwitz, Debbie Hanshaw, Connie Both, Jon Haynes, Mary Soper; and third row, from left: Cindy Newman, Lorna Pucci, Bonnie Benson, Rob Eversol, Keith March, Wayne Hadady, and Jeff Robbins. (Staff photos)

TOP LAKESHORE ATHLETE: Rick Farrow, left, receives top athletic award from Athletic Director Dennis Kniola last night during awards program at Lakeshore high school. Award is given to athlete who best exemplifies goals of sports at school.

Chikaming May Be Sold Water

BRIDGMAN — Lake township's new water system apparently will be capable of supplying water to Chikaming township, Lake township board members reported last night.

The comments came during a joint meeting of the Lake and Chikaming township boards at Lake township hall.

Lake township officials said sale of water at a future date to Chikaming appears feasible, according to Mrs. Lena Abrahamsen, Chikaming township clerk.

Mrs. Abrahamsen reported Lake township plans now call for construction of a 16-inch main within about two miles of the Chikaming township line.

Construction of Lake township's new $3.5 million water system is expected by Lake officials to begin later this year.

Officials from the two townships agreed to meet again to discuss the possibility of water sale when the new water system is installed and more information is available about its operation, Mrs. Abrahamsen said.

The clerk said Chikaming's water supply from its two wells is now adequate, and that the board is looking for new water sources to meet future needs.

The Chikaming system now serves the Lakeside, Union Pier and Sawyer areas, she said.

Hit-Run Driver Sought

Benton Harbor police reported a 7-year-old boy sustained a sprained foot Thursday when he fell on a street, then was struck by a car that left the scene.

Police said Percy Lewis, 825 Pearl street, was injured in front of Columbus elementary school. Percy described the vehicle as a "dirty, red, loud car."

In another accident, a man involved in a head on collission on M-139, Sodus township, was admitted to Mercy hospital for an insulin reaction.

Listed in "fair" condition was Norman Kuppe, 44, of Cleveland, Ohio. His car collided with an auto driven by Bobby Pickett, 22, of Dean's Hill road, Berrien Springs.

State troopers of the Benton Harbor post said the Kuppe car crossed the center line and collided with Pickett's car. Kuppe told troopers that he lost control of his auto because of an insulin reaction he was suffering. He said he is a diabetic.

Troopers ticketed Kuppe for driving left of the center line and for having no operator's license on his person. The accident occurred Thursday at 3:30 p.m.

Berrien county sheriff's deputies investigated an accident Thursday at 6:40 a.m. on US-31 in Hagar township in which Teddie Hill, 23, of 1101 Maynard drive, Benton township, was injured.

Hill was treated at Memorial hospital for a cut scalp, then released. He was driver of a car which collided with an auto driven by Clare W. Cantwell, 65, Route 3, US-31, Benton township. Police said she complained of injuries as a result of the wreck. No tickets were issued.

KEYS TO 'SIGH OF RELIEF': Student builder Kerry Sernau (left), presents set of golden keys to Jon N. Schuster, second from left, of Lakeshore high school and James S. Heathcote, holding keys, of St. Joseph high school. Heathcote could not be blamed for his sigh of relief when he received the keys. Because the school board could not legally sign for the mortgage, it was up to Heathcote to take the responsibility. Ceremony followed presentation of student builders in front of house on Browning road in Lincoln township. At extreme right is George Benton, St. Joseph high school, who supervised the construction. (Staff photo)

$40,000 Dwelling For Sale

Student-Built House On Display

Open house for the $40,000 three bedroom home students from St. Joseph, Lakeshore, Bridgman, River Valley and Gard schools built will be held Saturday and Sunday following dedication Thursday.

Supt. Richard Ziehmer of St. Joseph Public schools said each of the 65 students who built, furnished and landscaped the house will receive a certificate as one of the building team.

The house is located on Browning avenue in a new subdivision just east of Cleveland avenue, off Glenlord road.

The house is for sale. The builders estimate there is $40,000 in materials and appliances in the structure with its 1,800 square feet of living space.

The house will be open for inspection by the public from 1 to 5 p. m. Saturday and Sunday. George Benton, the St. Joseph High school instructor who was project coordinator, expected visitors would double the 2,000 that visited the house students built on Trail Lane in Lincoln Village last year.

A partial list of the features of the house includes: kitchen-breakfast nook combination, exhaust in baths, vinyl wallpaper, Formica counters, 16 by 44-foot patio, city water, eight-foot (12 blocks) high basement, garbage disposer, central air conditioning, electric garage door opener, built in stove, drain in garage, slate floor entry, fireplace with eyeball lighting, finished, insulated garage, central vacuum system, carpeting in all rooms except kitchen and baths, two and a half baths and family room.

With board members from St. Joseph and Lakeshore on hand the following were cited for their part in the construction, interior design and landscaping:

Construction class—George Amundsen, Mark Blake, Mark Duymovic, Bruce Kalin, Richard Knuth, Dave Mathews, Scott Sempert, Dean Current, Glen Davis, Kevin Kelm, Mark Parren, Kerry Sernau, Steve Wonson, St. Joseph High school; James Milliken, Lindsey Tysman, Tom Zick, Tim Curtis, Del Monte, Doug Wade, Robert Hoge, Dave Walski, Lakeshore High school; Leon Conners, Will Flickman, Charlie Shannon, Chip Gearheart, Gard school; Perry Weikel, River Valley and Tom Carson, Bridgman.

Landscaping by the agriculture-horticulture class at Lakeshore included: Ron Bamman, Dwight Denton, Bill Domke, Bob Gilson, Norm Kent, Tom Pitts, Gene Reisig, Nancy King, Annette Adams, Judy Hill, Dave Coyne, Leo Rodriquez, Carry Nye, Larry Schutze, Bill Strong, Stan Schuck and Ed Kretchman.

Part of the yard was sodded, part seeded and the patio and court were planted with bushes.

The house is furnished for the open house. The furniture, wall coverings, rugs and the interior treatment was planned by St. Joseph High school home management-consumer buying class including: Tracy Beckman, Jeanna Branch, Avalon Bultema, Connie Burge, Dawn Callender, Mary Curtis, Debby Deaner, Darcy Eisenhart, Mary Felke, Pam Green, Jeanie Hundley, Cathy Krych, Sandy Maddox, Cindy Miller, Julie Pope, Jackie Reed; Nancy Riemland, Marnie Sampson, Melissa Webb, Rhonda Wentland, Kathy Wesner.

Members of the advisory committee included Neil Berndt, Art Bowie, Terry Brail, Peter Case, Paul Freudenburg, Edith Hawks, James Heathcote, Lee Muchmore, Jon Schuster and Duane Sickles.

Ferris Tuition Going Up $1

BIG RAPIDS, Mich. (AP) — Ferris State College will raise its quarterly rates for tuition and fees in response to student demands for additional services and student-promoted entertainment.

Under the new rates, Michigan residents will pay $167 per quarter in tuition and fees during the 1973-74 school year. This is a $1 increase.

Nonresidents will pay $388 per quarter, a $16 increase.

Police Get Their Man

SOUTH HAVEN — A man sought since January, 1972, on a warrant for allegedly cashing non-sufficient funds checks was arrested by South Haven police yesterday.

Bobbie Pugh, 41, waived preliminary examination when arraigned in Seventh District court on a charge of uttering and publishing.

He was bound over to Van Buren county circuit court and ordered held in lieu of $3,000 bond.

City police and troopers of the South Haven state police post alleged Pugh cashed about 10 non-sufficient funds checks totaling about $250 in early 1972. He had been out of the state until yesterday, police said.

Blistering Letter

Judge Byrns Raps Taylor

(Continued from page 1)

imagination because you were not in my court at the time and your assistant prosecutor who was present could not have told *you all that you publicly claimed. Certainly you made no effort* to contact me about the dismissal for I would have been glad to have given you the facts, in or out of court and eye-to-eye, as I have done before.

JUDGES HANDICAPPED

Judges are handicapped because they should avoid publicly speaking on court matters and problems, that is, until someone not so handicapped, like yourself, does. When the integrity of this court might irresponsibly be placed in question, my clear duty to the court is to reply using the same media you did. The public is entitled to the facts about its public officials be they judges or prosecutors.

For public understanding it is necessary to not only give the facts in the Wycoff case but the long background behind it.

This circuit enjoys one of the most current dockets in the state due largely to the judges of the circuit court demanding that all lawyers in civil and criminal cases use every second *of available court time and be thoroughly prepared.* This may mean loss of popularity for the judges with some lawyers. It does mean that to move their dockets the circuit judges must voluntarily put tremendous pressure on themselves to see others do their job.

Annually there are some 3,000 civil and criminal cases filed in this circuit court which is the highest trial court in the state.

TRIAL TIME LIMITED

As you know, each circuit judge, recognizing he has many other matters to handle, has at most 180 days a year for trial. Conservatively estimating an average of two days for a trial (some, however, run several weeks), the mot trials per circuit judge including civil and criminal are 90 a year. Thus it should be obvious to everyone why we cannot waste a single day.

It is not the circuit judge's job to prepare a case for trial or to bring it properly to the courtroom. That is the job of the lawyers. *The judge is busy enough presiding over the trial.* Nor can the judge, as frankly I have been forced to do in some matters of your office, perform his judicial duties and correct administrative deficiencies. *Last year your office while taking* a major share of trial time actually tried only 55 jury and 8 non jury criminal cases before all three circuit judges.

Your files should be filled with letters these past fives years from this court urging and begging that your office, with five full-time lawyers and some five part-time regular or special assistants, not lose any of the valuable time set aside by this court for criminal matters. My files on this are available and if this becomes an issue can be made public.

MANY CONFERENCES

You and I have had many conferences on this problem the past five years. Because criminal court days were being wasted, this court several years ago took over from the prosecutor its traditional duty of scheduling trial of cases. *This reduced the problem but did not correct it.*

This court a year ago on its own initiative to prevent lost trial time; delays in the course of trial; resolving of defects in earlier proceedings and, to insure prompt, proper and early dispatch of those criminal cases that would not be tried, inaugurated pretrial hearings and gave freely of its limited time to such hearings. Some improvement resulted but the full benefits have not yet been realized frankly because your office is not fully prepared as required for such hearings. In addition, this court on its own has in recent years created new procedures to accelerate processing of cases.

We have repeatedly pointed out that not only are days of court work lost to criminal work but also lost for civil cases which otherwise would use such time. By law the criminal docket has priority over the civil docket.

JURY COSTS GREAT

We have often pointed out the great cost to the county of the fees of some 25 to 30 jurors present in court to hear a case that is not ready as well as the loss of time to them from their jobs, homes and families.

Your statement to the newspapers that the Wycoff case was "unexpectedly moved into position" is not correct and you know it.

Since it is well known that just before trial some defendants do enter a plea of guilty; some defendants for invalid as well as good reasons fail to show; defects in the prosecution or defense cases preventing trial and the absence of an essential witness, this court sets several criminal cases for trial the same day.

This is the only way not only to prevent loss of trial days but also to *prevent backlogs in our dockets as exist in other cities* and counties where sometimes dangerous people are left in the community because their trial or other disposition can't be promptly had. It *also results in the overcrowding of our county* jail which is not equipped for long confinement of felons. Also it is well recognized that prompt punishment is more effective than delayed punishment.

URGED PREPAREDNESS

I have long insisted, not always with success, that your office be prepared to try any of the cases which are usually set several weeks earlier for a day certain.

This may mean sometimes you may have to subpoena witnesses for a case that may not be heard.

Frankly, however, in practice this is rare for even if there are two criminal cases fully prepared for trial, one of them can sometimes be assigned on the spot to another circuit court judge whose schedule is free that day or heard the following day or within the week. *As you know,* we have for some time past set four criminal cases for trial and sometimes three or all four faced with a certain deadline are disposed of prior to trial.

I believe it is far better to have some unused witnes ses on hand than to have 25 or 30 jurors wait for several hours, be paid their fees and, with a ourtroom left empty for the day, sent home. The cost to the county in balance is far greater from an unused jury panel, courtroom, judge and staff than a few unused witnesses.

Several civil cases also are set for the same day and for the same reason: To insure at least one will be heard or all disposed of. This court has set no higher standards for prosecutors than it has for all other lawyers. The fact is more is demanded from lawyers in civil cases where failure to be ready or to progress a case results often in its dismissal. Extra consideration is given on criminal cases because the interest of all the public is involved. In fact, to give you more trial time, I have scheduled your cases sometimes as alternates to civil cases.

BACKGROUND NECESSARY

This brief background is necessary (and, unfortunately, unknown to the public perhaps until now) to understand my dismissal of the Wycoff case.

Now to the Wycoff specifics: The facts, if you had been there, were that four criminal cases were set weeks before for trial on May 15, 1973. No objection to this was made by you when these cases were set. Two defendants failed to show (however, within 24 hours after I ordered arrest warrants and forfeited bonds, both of these did appear; did admit guilt and are awaiting sentence). The total of witnesses in these two cases according to your own list on both informations were nine, not "25" as you told the newspapers, so you could not have had any "25 witnesses" at the courthouse for these two cases.

I then called the Wycoff case. The 25 jurors were ready and waiting. Your assistant prosecutor said none of the witnesses — and there were *only five of them* — had been subpoenaed although this trial date, without any objection from your office, had been set on April 24. The defendant and his counsel *were present* and *ready for trial and moved for dismissal.* Three of the five witnesses were police officers who could usually be reached immediately by telephone.

OFFER NOT ACCEPTED

As the verbatim record shows, I then told your assistant about 10:00 a.m. that morning that we could pick a jury and adjourn until 1:30 p.m. so he could get the complaining witness who he had said was "working in the Niles area." I recessed to permit this to be done or good cause shown why the case should not be dismissed. This offer was not accepted nor was any motion made to adjourn to any other time by your office.

The alleged offense—unlawfully driving away an automobile—occurred July 28, 1972. Mr. Wycoff had been arraigned in circuit court on September 5, 1972, and, of course, any time thereafter could have been tried. Under the law he was entitled to a speedy trial.

This obviously is not the situation you told the newspapers—that—"the judge wouldn't give us time to call them, so he dismissed the case."

What you also did not tell the newspapers is that when the fourth case was called, your office reported that it was not ready in this case either. The court did not dismiss it because neither was the defendant.

TWO DAYS LOST

The result of the prosecutor's office not having five witnesses available in the Wycoff case was that two irreplaceable and valuable trial days in this, the highest trial court in the state, were lost to others anxious to use them because on such short notice obviously other cases could not be scheduled. Your office "had no other cases on tap" for immediate trial. The loss to the public is too obvious to do more than note.

Since requests, pleas and demands over the years for prompt and thorough work have not worked, this court *recognizing* that the Wycoff case *did not involve a major crime* charge, felt in desperation that perhaps the only way left to bring home to your office the message that your office must be prepared was to dismiss for lack of prosecution. The message was apparently lost because according to your statement to the newspaper this was not the fault at all of the prosecutor but the judge!

I personally dislike very much making this communication public. Your public erroneous statements left me no choice if public confidence in the court is to continue. I hope never to have to do it again on this or other problems which exist and must be corrected.

REFORM NEEDED

Perhaps if I had made this problem public before and stated why and how *this court is trying to keep its dockets current,* the Wycoff dismissal would not have been necessary. Boiled down, your office needs major administrative reforms.

This court in sum is faced *with two alternatives:*

One in the public interest is to demand that all cases be promptly heard, fully prepared and ready for trial so that dockets may be current; court time, facilities and jurors fully used, and either a guilty defendant promptly punished or an innocent one returned to his community.

The second alternative is not to insist your preparedness and administrative procedures be greatly improved and your cases promptly disposed of, but to relax and enjoy the many free days such alternative would give the judge.

As long as I am presiding circuit judge, I will, as I have, in the public interest and despite your press statements, insist on the first alternative. I can not in honor or duty do anything else. Nor do I believe conscientious lawyers and the public desire *anything* less.

Sincerely,
Chester J. Byrns
Presiding Circuit Judge

Six Bound Over To Circuit Court

Six persons have been bound over to Circuit court and three sentenced in Berrien Fifth District court

Bound over to Circuit court were:

Danny R. Cooks, 19, of Hornack hotel, Benton Harbor, on a charge of armed robbery of Bob Griggs in Benton Harbor, May 12. He was lodged in the county *jail in lieu of $25,000 bond,* is accused of taking $400 in cash from Griggs using an ash tray stand as a weapon.

Jeff Bailey, 26, of Route 2, Buchanan, on a charge of delivery of LSD in Buchanan township, March 27. He was released on $5,000 bond after it was reduced from $15,000.

Jeff Finley, 23, of 1638½ Cherry street, Niles, on a charge of delivery of cocaine in Niles, April 3. He was released on $5,000 bond after it was reduced from $15,000.

Larry E. Scales, 25, of 348 *Brunson, Benton Harbor,* on a charge of delivery of heroin in Benton Harbor, April 28. He remains in the county jail in lieu of $15,000 bond.

Frank Sennyes, 17, of 1781 South Sierra Way, Stevensville, on a charge of delivery of LSD in Buchanan, Feb. 28. He remains in jail in lieu of $15,000 bond.

Nathaniel Walace, 19, of 363 Walnut street, Benton Harbor, on a charge of attempting to obtain a controlled substance by fraud or forgery, involving a *fake prescription in Benton* township, May 1. He waived examination and was released *after posting $1,500 bond.*

The following persons were sentenced in Fifth District court:

Roger D. Dewey, 18, of Route 2, Three Oaks, fine and costs of $31 for unlawful use of marijuana in Three Oaks township, Feb. 18.

James S. Johnson, 66, of 1384 Highland, Benton Harbor fine and costs of $100 for driving under the influence of intoxicants.

Bruce A. Follma, 20, of Evart, fine and costs of $151 plus six months probation for impaired driving.

Berrien Teenager Receives $20,000

A Berrien Springs teenager allegedly hurt in a dairying accident a year and a half ago was awarded $20,000 Thursday in and out of Berrien circuit court.

The teen, Teddy D. Martin, was awarded *$10,000 against* Andrews university in a stipulated consent judgment in Judge William S. White's court. He also received $10,000 in a workmen's compensation redemption Thursday, to be paid by the university's workmen's compensation insurance, according to his counsel, St. Joseph Atty. George Keller.

The teen, through his father, Elvin H. Martin, sued Andrews university in Berrien circuit court for $253,000 on a claim he suffered a mangled right foot in *an unguarded feed auger while* working at the university's dairy facility at Berrien Springs *on Jan. 10, 1972.*

Plaintiffs claimed foot injuries were so severe as to require a partial amputation.

Young Martin was then and still is a student at the university's academy, a junior and senior high school, Atty. Keller said.

The suit said he was a 14-year-old ninth-grader at the time of the accident.

LEGAL NOTICE

ADVERTISEMENT FOR BID

Notice is hereby given that the Berrien-Pipestone Townships - village of Eau Claire Fire Department will receive bids for the purchase of a truck chassis and fire truck body as per specifications on file.

Sealed proposals will be received until 7:30 p.m., May 30, 1973, at the residence of Merl Edwards, Sec.-Treas. Joint Fire Board, Rte 2, Eau Claire, Mich. Phone 1-616-461-6268.

Bids will be opened at 8 p.m., May 30, 1973 at the Village Hall, Eau Claire, Mich.

Specification sheets may be obtained from the Secretary, Joint Township Fire Board at the above address.

The right is reserved to reject any or all bids and to accept any proposal that is in the opinion of the board to be in the best interest of Berrien-Pipestone Twps. and the Village of Eau Claire.

For the Joint
Fire Board
Merl Edwards
Sec.-Treasurer,

May 4, 11, 18, 1973 N.P. & H.P. Adv.

NOTICE!!!

The News-Palladium and Herald-Press cannot accept child care or baby sitting service ads unless such home is licensed. Contact your county Bureau of Social Services.

ANNOUNCEM'TS

Lost And Found 1

LOST—White Setter with large black eye. Female. Brown collar. Reward. Children's pet. 925-0443.

LOST—At Glenlord & trying to make way to home in St. Joseph: Female tri-colored cat, brown, white & orange, white paws & white tip on tail. If seen call 983-3035 evenings. Reward for return.

LOST—Sm. male Beagle, 3 yrs. old, ½ mi. So. of Watervliet. Reward. Arvon Arent. Ph. 463-6546.

DISAPPEARED—from farm, corner U.S. 33 & Maple Lane, B.H. Black & tan male Airedale. Reward. 925-7343.

In Memoriam 3

IN LOVING MEMORY—of our Dear Husband, Dad, and Granddad, Bernice Rains, May 18, 1970.
Brave, Gentle, Kind and Bright,
That's what Grandad seemed to be.
Then three years ago on this spring night,
He died, but he still means everything to me.
by Granddaughter Karen Avery

IN LOVING MEMORY—of Harold Calderwood, who passed away May 18, 1963.
Wife, daughter, brother & Sister

Monuments—Cemetery Lots 4

2 SPACE CEMETERY LOTS—In North Shore Memory Gardens. Ph. 925-9096.

Personals 5

NOTICE—I will not be responsible for any bills or debts except those contracted by myself. Gary D. Lindsay.

NOTICE—I will not be responsible for any bills or debts, except those contracted by myself. Jimmie L. McCoy.

Special Notices 6

CARROLL CRAFTS & FLAIR, across OPEN TONIGHT—Friday 'till 8:30 P.M. from YWCA, St. Joseph.

LOSE WEIGHT—with New Shape Tablets and Capsules. Brown's Pharmacy, 2189 Red Arrow Hwy., B.H.

ANTIQUE SHOW—& Sale Thurs. - Sun., May 17 - 20th. 30 DEALERSHIPS, 100 Tables. MAPLE HILL MALL, M-43 just east of 131 Kalamazoo, Mich.

REAL ESTATE FOR SALE

Houses For Sale 8

REAL ESTATE FOR SALE

Houses For Sale 8

OPEN HOUSE, SUNDAY 2-5 P.M.— Other times by appt. Living rm., 2 ceramic baths, carpeted kitchen & dining rm., dble. carport-porch. Basement rec. rm. Lge. lot. 1736 W. Ogden, B.H. $20,500. Ph. 925-5061.

DOWNEY

IDEAL FOR RETIRED COUPLE

No repairs needed in this quality built home — The owners have done an excellent job in maintaining this property in like new condition. It offers a modern kitchen, carpeted living room with fireplace, full divided basement with tiled floors and rec. rm. Beautiful lawn.

DOWNEY
WA 6-2182

SCHUMACHER

SOUTH OF EMPIRE

On Monroe, this lovely 2 story home. 3 bedrooms, 1½ baths, large living room with fireplace. Formal sunny dining room, very cheery kitchen. Full basement divided into utility and recreation room. Gas heat. Fenced yard. Owner leaving town. Qualified Buyer take over mortgage.

SCHUMACHER
927-3179

ACTIVE

No. 202
NEAR SCHNECK'S
3-Bedroom, 2-car Garage. Sacrifice $22,000.

No. 203
4-BDRM. BRICK
In Stevensville. Liv. Rm., Din. Rm., Kitchen, Fam. Rm., Rec. Rm., all Appliances, 1½ Baths, 2 car Garage, $27,900. Call . . .

No. 204
1-ACRE
lot near Stevensville. Plenty of trees. Priced to sell!

No. 206
RURAL BENTON HARBOR
A sharp 3-Bdrm. Brick with walk-out Basement on 3½ Acres. A steal at $30,000.

No. 205
FARMS
A. 157-Acre grape.
B. 64-Acre fruit.
C. 80-Acre open land.
D. Several Others!!

ACTIVE
REALTORS 983-6198
Multiple Listing Service

REAL ESTATE FOR SALE

Houses For Sale 8

New 3 Bedrm. House On 1½ Acre Ravine Creek
All private. So. St. Joe. Call 429-1671.

BY OWNER—1½ year old split level house near Andrews University. 4 bedrms., 1 full bath w/double sink, ½ bath w/shower & util. space. Fireplace, built-ins, garbage disposal, rec. rm. 1800 sq. ft. livg. space. Double gar. Lot 100 x 150 sq. ft. Price $33,000. Please call 471-1284 except Fri. eves. & Sat.

OUT OF TOWN OWNER—must liquidate. 2 large bdrms., liv. & din. rm., enclosed heated porch, 2 lots. 3 mi. No. of Twin Cities. $25,000. Call 925-8721 or reply to Box 57X c/o this newspaper.

NEW 3 BEDRM.- country chalet, over 1100 sq. ft. on ¾ acre land, 4 miles E. of South Haven, $21,000. financing avail. 637-3475 eves. or weekends for appmt.

Portage
983-7791

No. 192. INVEST IN THE GOOD EARTH! A precious commodity that is becoming moreso each day, especially Small Acreage. But distinction really sets this home apart. Beautifully designed Brick Home with 3-Acres. Words can not describe, so call us to see! Lakeshore schools. $49,900.

No. 193. FOUR BEDROOM, 10 Yr. old Ranch with full Basement in country atmosphere. 200 ft. frontage on large corner lot. A good buy for veterans or F.H.A. Martindale schools. $15,900.

No. 194. 2 BEDROOM BUNGALOW. Sorter School district. New roof and foundation. Nice starter home and you can't beat the price . . . $5900. Call us for an appointment.

No. 105. IMMACULATE 3-BEDROOM Brick in Fairplain area. Over 1500 sq. ft. of living area. Family Room has Fireplace to enjoy for cool evenings. Full Basement with Rec Room, fenced yard, 2-car Garage, 1½ Baths. Excellent decor and priced to sell at $21,900.

No. 196. ST. JOE SCHOOLS. 3-Bedroom Brick Ranch. 1½ Baths. Excellent condition and in a quiet neighborhood. Full divided Basement with Rec. 2-car Garage. Hedge fence around back yard. $28,900.

No. 197. NEW 3-BEDROOM BRICK Ranch. Carpeted through. Kitchen has built-in range with self-cleaning oven and dishwasher. 1½ baths, Family Room, full Basement and 2½-car Garage. Lakeshore schools. $32,900.

Open Mon. Eves. 'til 8 P.M. Tues. thru Fri. 8:30 'til 5 P.M. Saturdays 8:30 'til 1:00 P.M.

AFTER HOURS CALL:
BOB OLSON 463-6998
FRANK YURCUS 429-5525
SUE WILLIAMS 429-5639
PEG FAIRBANKS 429-4740
R. LYNN MERTIN 429-1484

YOUR HOME IS ALWAYS NO. 1 WITH US. LIST TODAY!!

983-7791 MLS

Portage
1½ Mile North of I-94 Interchange
2866 Niles Rd. St. Joe

REAL ESTATE FOR SALE

Houses For Sale 8

1340 HURD—3 bedrm., separate dining rm. Attached 1½ car garage. No basement. Nice yard. Gas heat. Fairplain schools. $10,900 with $500 down on land contract. Call 927-1766.

STOP LOOKING

This completely remodeled spic & span 2 story has all the features for happy family living. And it's priced right too, ONLY $19,400. Modern kitchen with built-ins, dinette, 2 baths, spacious carpeted livg. & family rm. Enclosed front porch, first floor laundry facilities, lge. double lot with plenty of shade trees. Excellent Fairplain location. Call now to see.

PICNIC TIME

Gather the family & friends around the picnic table in this large fenced back yard out of the city. This home also has carpeted livg. rm. & bedrms. convenient carpeted kitchen, full basement. An excellent buy at $12,500. Call for appt.

STATE WIDE
983-0131

CHECK WITH

DOWNEY

When Buying Or Selling! Real Estate CALL

WA 6-2182

ROBERT F. KAY

FOR BACKYARD CHEFS

3 BEDROOM - patio, double garage on extra large lot. North east of Benton Harbor. Priced to sell.

QUIET LIVING

3 BEDROOM - double garage, large kitchen, formal dining, large livg. rm. with fireplace. Located in So. Fairplain. Nicely landscaped.

ROOM TO SPARE

4 BEDROOM - 2 fireplaces, 3½ baths, rec. rm. den, formal dining. Access to St. Joe. River, Loc. on Jakway, So. Fairplain.

BARGAIN

3 BEDROOM, formal dining. Loc. on Colfax Ave. B.H. Reduced to $9,500.

925-3208

DOWNEY

NEAR RIVER
3 BEDROOM RANCH
FAMILY ROOM

You have a panoramic view of the St. Joseph River Valley from this beautiful brick ranch. Features: Family rm. plus large paneled rec. rm. with bar in divided basement. 1½ baths. 2 car attach. gar. Located in an area of new, well kept homes.

DOWNEY
WA 6-2182